

This Document Relates to: All Cases

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BROOKLYN OFFICE

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

MEMORANDUM & ORDER

MEMORANDUM & ORDER APPROVING SET 196: 8 AWARDS, 10 AWARD AMENDMENTS, 31 AWARD DENIALS, 46 DECISIONS ON APPEAL, REMAND OR REQUEST FOR RECONSIDERATION, AND 4 INADMISSIBILITY DECISIONS CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF THE RULES GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING PAYMENT FROM THE SETTLEMENT FUND

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, the Claims Resolution Tribunal (the “CRT”) is hereby requesting the Court’s approval, pursuant to Article 31(2) of the Rules, of 8 certified Awards listed in Annex A, 10 certified Award Amendments listed in Annex B, 31 certified Award Denials listed in Annex C, 46 decisions on Appeal, Remand or Request for Reconsideration listed in Annex D, and 4 Inadmissibility decisions listed in Annex E, and the resources to pay these Awards and Award Amendments through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 8 Awards 10 Award Amendments is US \$3,252,124.47 (SF 3,739,943.14 converted at a rate of 1.15 Swiss Francs per U.S. Dollar).

Four Awards and one Award Amendment in the one hundred and ninety-sixth set are based in part on claims that were received past the claim filing deadline. This Court in its

discretion has decided to accept certain claims received past the claim filing deadline but prior to 1 January 2009, namely those where a set of exceptional circumstances is demonstrated. Such a set would include, but not be limited to, the following: (1) the claimant has proven with certainty that the account owner is his/her relative or that he/she is otherwise entitled to the account; (2) the account has not previously been awarded to another claimant; (3) the claimant is disabled or of advanced age; and (4) there are no other timely claims to the account filed by those with an equal or closer degree of relationship to the account owner. These Awards are *In re Silberberger* (Tab 5), *In re Simon et al* (Tab 6), *In re Thalheimer* (Tab 7), *In re Weinberg* (Tab 8), and the Award Amendment is *In re Kardos* (Tab 5). In these cases, all the circumstances listed in (1) through (4) obtain.

Four Awards Amendments, *In re Grünholz* (Tab 2), *In re Haefner* (Tab 3), *In re Salomon* (Tab 6) and *In re Schneider* (Tab 7) in this set contain security valuations. Pursuant to the Court's memorandum of January 4, 2007 regarding the "Division of Responsibilities for the Review of CRT Awards," these Amendments were reviewed by Special Master Helen B. Junz.

One decision in this set, *In re Chwat* (Tab 1), consists of both an Award and an Award Amendment. In this case, the original Award, which was approved on 20 August 2003, included one demand deposit account and two safe deposit boxes. The August 2003 Award amount was divided among three claimants and one co-claimant. Following the Court's approval of the August 2003 Award, two claimants (one of whom represented the co-claimant) appealed the decision, asserting (among other arguments) that the actual value of the accounts was higher than the awarded value, and declined to accept payment for the share of the August 2003 Award awarded to them and to the co-claimant. Therefore, according to information provided to the CRT by the Office of Special Master Michael Bradfield, only one claimant received payment for the August 2003 Award.

During the pendency of the appeal of the August 2003 Award, the bank provided the CRT with additional documents about the account owner's accounts. Based on a preliminary review of these new documents, it appeared that the three accounts awarded in the August 2003 had been awarded in error. Although the August 2003 Award was not rescinded, in April 2007 Special Master Bradfield transferred to the Swiss Banks Settlement Fund the unpaid portion of the August 2003 Award, corresponding to the amount originally awarded, but as yet unpaid, to the two claimants and one co-claimant. In April 2008 Special Master Bradfield informed one of these claimants that the August 2003 Award was made in error, based on the preliminary conclusion that all three accounts were closed prior to the Nazi occupation of Poland. However, following a more detailed review of the new documents provided by the bank, the CRT has concluded that in fact only two of the three accounts (namely, the two safe deposit boxes) were awarded in error. Additionally, the new bank's records indicate that the account owner held an account at the London branch of the bank, which was not addressed in the August 2003 Award. This account is awarded in the decision in this set. The decision in this set also deducts the amount previously awarded for the two safe deposit boxes from the amount awarded for the account held in London, leaving a net balance awarded with this set. In order to effect full payment to all parties, the CRT requests funds to make payment to the two claimants and one co-claimant for their share of the originally awarded accounts that was previously held and returned to the Swiss Banks Settlement Fund account. As noted above, the calculation of the Award Amendment amount takes into consideration the CRT's determination that the two safe deposit boxes were closed properly by deducting that amount from the amount awarded for the London demand deposit account. Therefore, no reduction is necessary from the amount originally allocated to these three parties. The CRT thus requests an additional US \$33,478.26, which corresponds to the

share of the August 2003 Award allocated to these two claimants and one co-claimant, at today's rate of 1.15 Swiss Francs ("SF") per US dollar.

Two Award Amendments in this set – *In re Schneider* and *In re Schneider* (Tabs 7 and 8) – amend two Awards approved by the Court on 18 November 2004 and 28 June 2006. Subsequent to these Awards' approval, the CRT received additional information about two of the accounts from the banks at which the accounts were held. With regard to the November 2004 Award, the new information made available by the bank shows that the account, which was originally awarded as an account of unknown type, was, in fact, a savings account. Based upon this information and as detailed in the Award Amendment, the November 2004 Award amount was overvalued by an amount of SF 39,000.00. The Award Amendment for this case states that, "Recognizing that approximately five years have passed since the November 2004 Award, the CRT does not seek outright repayment of the overpayment from the Claimant. However, the amount of the overpayment shall be deducted from any award adjustment that may be forthcoming to the Claimant."

With regard to the June 2006 Award, the new information made available by the bank shows that the value of the custody account was higher than the amount awarded in that decision. Based upon this information and as detailed in the Award Amendment, the June 2006 Award Amount was undervalued by SF 714,037.25. The claimant in this case will be informed of both Award Amendments simultaneously. The amount previously overpaid to the claimant in the November 2004 Award (SF 39,000.00) will be deducted from the Award Amendment amount for the June 2006 Award (SF 714,037.25). Accordingly, the amount requested for this set is reduced by the amount deducted for the overpayment, US \$33,050.85 (SF 39,000.00 converted at the rate of 1.18, the exchange rate in use at the time the original Award involving overpayment was made).

With this one hundred and ninety-sixth set, a total of US \$577,114,666.15 will have been awarded thus far. This total amount is comprised of Awards issued under CRT I and CRT II combined, and Plausible Undocumented Awards (PUAs). Under CRT I alone, which took place from 1997 through 2000, 207 accounts, with a value of US \$18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution. Under CRT II alone, 2,916 Awards for 4,627 accounts totaling US \$497,432,327.78¹ will have been made to date to Victims or Targets of Nazi Persecution making up the Deposited Assets Class, with the average Award amounting to US \$149,000.98.² The total number of PUAs issued to date is 12,567 less 280 full and partial deductions. The total amount is US \$61,497,846.37.

This submission includes three Awards to three Primary Claimants who previously received a Plausible Undocumented Award (“PUA”), as detailed in Annex F to this Order. Each recipient was made aware at the time the PUA was awarded that, in the event the CRT located a Swiss Bank account or accounts to which he/she was entitled, the PUA amount of US \$5,000.00 already received would be deducted from any future award(s) that may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts - Payment Account equals the award amount of US \$3,252,124.47 for the eight Awards and ten Award Amendments referred to above, less US \$15,000.00 for previous PUA payments. A further deduction of US \$33,050.85 is made to reflect the deduction for the overpayment to the claimant in the Award Amendments *In re Schneider*, as detailed above. In addition, as detailed above, the CRT also requests an additional US \$33,478,26 to effect payment to the two claimants and one co-claimant for

¹ This amount includes the payments of decisions on appeal issued by Special Masters Michael Bradfield and Helen Junz totaling US \$7,191,800.52.

² In calculating the average value of CRT-II awards, the Set 75 award, two Set 110 awards, and the Award *In re Löw* and the Award and Award Amendment *In re Ungar* in Set 192 were excluded because their size made them outliers that would have skewed the result. The calculation further excludes appeal awards in the amount of US \$4,500,173.97 in which the earlier award was not rescinded. On the other hand, the calculation includes appeal awards issued upon reversal of a denial as recommended by Special Masters Michael Bradfield and Helen Junz and issued by the CRT.

their shares of the originally awarded accounts in *In re Chwat* that were previously held and returned to the Swiss Banks Settlement Fund account. Thus, the total amount requested for this Set is US \$3,237,551.88.

This one hundred and ninety-sixth set also includes 31 Award Denials and 46 decisions on Appeal, Remand or Request for Reconsideration. The 31 Award Denials are based upon the CRT's conclusion that each claimant was not able to identify his or her relative as the account owner. The 46 decisions on Appeal, Remand or Reconsideration address 37 "Same Name" Inadmissibility Decisions (cases in which it was determined that the claimant did not satisfy the admissibility standard set forth in Article 18(2)(b) and (c) of the Rules, which states that "[a] claim submitted to the CRT is inadmissible if the claim is based essentially on a statement that the Claimant or his or her relative and the Account Owner have the same or similar last name [or] the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the Account Owner"); one non-Victim Inadmissibility Decision (cases in which it was determined that the claimant failed plausibly to show that the person he or she believed to have owned the asset was a Victim or Target of Nazi Persecution as defined under the Settlement Agreement; *i.e.*, someone who was or was believed to be Jewish, Romani, Jehovah's Witness, homosexual or disabled); seven Identification Denials; and one Award. The appeal to the non-Victim inadmissibility decision was previously approved by Special Master Michael Bradfield, and he remanded the case to the CRT for further treatment. Upon remand, the CRT has issued a No Match Letter. Similarly, an appeal to one Identification Denial was previously approved by Special Master Junz, and she remanded the case to the CRT for further treatment. Upon remand, the CRT has issued another Identification Denial. The six other Identification Denials that were appealed or reconsidered also resulted in Identification Denials. The 37

Requests for Reconsideration based upon Same Name Inadmissibility Decisions resulted in 31 Identification Denials upon Request for Reconsideration and six No Match Decisions upon Request for Reconsideration. The appeal of the Award was summarily denied. Thus, the 46 decisions based upon appeals or requests for reconsideration resulted in a total of one Summary Denial; seven No Match Decisions; and 38 Identification Denials.

With this one hundred and ninety-sixth set, a total of 6,533 Certified Denials to 13,310 accounts will have been approved under CRT II. In 6,012 of these 6,533 Denials, the CRT concluded that the claimant was not able to identify his or her relative as the account owner; in 124 cases the CRT concluded that the account owner closed the account and received the proceeds him/herself; in 29 cases the CRT determined that the claimant was not entitled to the account owner's account; in five cases the CRT determined that the evidence submitted by the claimant was insufficient to support the existence of a bank account belonging to the claimant's relative; in one case the CRT concluded that the account owner closed the account and received the proceeds him/herself and, with regard to evidence submitted by that claimant, that this evidence was insufficient to support the existence of a bank account belonging to the claimant account owner; and in 362 cases the CRT was not able to make definitive determinations as to the plausibility of the matches given the large number of competing matches to the same account and therefore concluded that no award was appropriate. With the seven No Match Decisions included in this set, a total of 89,858 No Match Decisions will thus far have been approved under the CRT.

Annex E attached to this Order sets forth a list of 1 non-Victim Inadmissibility Decision and 3 "Same Name" Inadmissibility Decisions certified as such by the CRT. With this set, a total of 2,284 Inadmissibility Decisions will thus far have been approved under the CRT.

As set forth in the Awards and Award Amendments and as required by Article 31(3) of the Rules, the Certified Awards and Award Amendments shall be paid in full (with the exception of the deduction detailed above) by the Special Masters after approval of such Awards and Award Amendments by the Court. Therefore, it is hereby

ORDERED that the attached 8 Awards and 10 Award Amendments are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 8 Awards and 10 Award Amendments certified by the CRT and approved by the Court, less US \$15,000.00 to reflect three payments previously made in the form of PUAs and less a further US \$33,050.85 to reflect the deduction for the overpayment to one primary claimant in the Award Amendments *In re Schneider* and *In re Schneider*; plus US \$33,478.26 for the payment to the two claimants and one co-claimant in the August 2003 Award *In re Chwat* whose shares of the originally awarded accounts were held and returned to the Swiss Banks Settlement Fund account, the Signatories of the Settlement Fund are hereby ordered to transfer immediately US \$3,237,551.88 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account;

ORDERED that the attached 31 Award Denials are hereby approved for release to the relevant Claimants.

ORDERED that the attached 46 decisions on Appeal, Remand or Request for Reconsideration are hereby approved for release to the relevant Claimants.

ORDERED that the 4 Inadmissibility Decisions are hereby approved and shall be distributed to the relevant Claimants by the CRT.

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award, Award Amendment, Award Denial,

Decision on Appeal, Remand or Request for Reconsideration, which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Dated: Brooklyn, New York
May 28, 2010

~~SO~~ ORDERED:

s/Edward R. Korman

Edward R. Korman
United States District Judge

CLAIMS RESOLUTION TRIBUNAL

[BATCH CXCVI] - ANNEX A

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 28 May 2010 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amount (SF)
1.	Chwat 001119/HS; 002153/HS; 204932/HS; 212359/HS; 214600/HS; 221860/HS**	30,092.63
2.	Gurtner 708163/MC; 709929/MC; 750954/MC	189,250.00
3.	Hollander 001997/MBC	606,360.88
4.	Kronenberger 207935/MC	49,375.00
5.	Silberberger 501857/MC*	204,750.00
6.	Simon <i>et al.</i> 501869/MC*	49,375.00
7.	Thalheimer 501725/MBC*	73,314.25
8.	Weinberg 707749/BW; 783397/BW; 501895/BW*	37,665.75
TOTAL		1,240,183.51
Total amount in US Dollars³		\$1,078,420.44

* Late claim

** Combination Award and Award Amendment

³ Exchange rate as of 28 May 2010 of 1.15 Swiss Francs per U.S. Dollar.

CLAIMS RESOLUTION TRIBUNAL

[BATCH CXCVI] - ANNEX B

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 28 May 2010 the following Award Amendments for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amendment Amount (SF)
1.	Baumann 204043/GO; 789811/GO*	24,687.50
2.	Grünholz 402183/MBC**	307,500.00
3.	Haeffner 300815/MBC; 300816/MBC**	1,087,894.63
4.	Herrmann 700651/MBC; 700661/MBC; 732593/MBC; 203084/MBC*	235,125.00
5.	Kardos 402261***/BW; 702056/BW; 770472/BW	0.00
6.	Salomon 207295/MBC**	115,015.25
7.	Schneider 215503/MBC**	714,037.25
8.	Schneider 215503/BW	0.00
9.	Sliosberg 208545/BW; 221869/BW	0.00
10.	Spiegel 204227/HS, 212830/HS, 212865/HS, 214626/HS	15,500.00
TOTAL		2,499,759.63
Total amount in US Dollars⁴		\$2,173,704.03

* MPM

** Reviewed by Special Master Junz

*** Late claim

⁴ Exchange rate as of 28 May 2010 of 1.15 Swiss Francs per U.S. Dollar.

CLAIMS RESOLUTION TRIBUNAL

[BATCH CXCVI] - ANNEX C

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 28 May 2010 the following Award Denials for approval by the Court:

1.	Baer 204419/NB	Identification
2.	Barta <i>et al.</i> 221137/NB	Identification
3.	Baumann, Emmy 211319/HB	Identification
4.	Baumann, Ruth <i>et al.</i> 789811/RT	Identification
5.	Becher 004815/MBC	Identification
6.	Beimel 223884/RT	Identification
7.	Berger 710652/NB	Identification
8.	Braunfeld 215426/MC	Identification
9.	Dalma 100024/RT	Identification
10.	Deutsch 002423/NB	Identification
11.	Eisner 216103/RT	Identification
12.	Filz 217026/NB	Identification
13.	Fischer 784863/MBC	Identification
14.	Fraenkel, <i>et al.</i> 400354	Identification
15.	Gewitsch 150059/RT	Identification
16.	Hartmann, Hans 501106/NB; 501557/NB	Identification
17.	Hartmann, Robert 004903/RT	Identification
18.	Kliche 706714/RT	Identification
19.	Liebermann, David 218975	Identification
20.	Löb, Gustav 401686/RT	Identification
21.	Löb, Gustav 401755/RT	Identification
22.	Löb, Gustav 401765/RT	Identification
23.	Löw 401487/RT	Identification
24.	Maas 219952/NB	Identification
25.	Meyer 220223/RT; 220225/RT; 220227/RT; 220228/RT; 220229/RT	Identification
26.	Nagel <i>et al.</i> 004673/NB	Identification
27.	Schenk 216309/DE	Identification
28.	Vohryzek 500659/RT	Identification
29.	Weiss 300532/NB	Identification
30.	Wirth, Friedrich 210865/NB	Identification
31.	Wirth, Friedrich 741740/NB	Identification

CLAIMS RESOLUTION TRIBUNAL

[BATCH CXCVI] - ANNEX D

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 28 May 2010 the following decisions on Appeal, Remand or Request for Reconsideration for approval by the Court:

	Claimed Account Owner Name and Claim Number	Original Decision Type	Decision Type on Appeal or Reconsideration	Appeal Number
1.	Baer 501265/NB, 501494/NB	IAD Same Name	Identification Denial	2991/2992
2.	Baum 219249/RT; 220277/RT	IAD Same Name	Identification Denial	3085/3086
3.	Beier 500879/RT	IAD Same Name	Identification Denial	3088
4.	Bloch, Berna 300599/HB	IAD Same Name	Identification Denial	3106
5.	Bloch, Dora 300586/HB	IAD Same Name	Identification Denial	3125
6.	Bloch, Fernand 300591/GO	IAD Same Name	Identification Denial	3124
7.	Bloch, Madeleine 300589/HB	IAD Same Name	Identification Denial	3117
8.	Bloch, Marc 300587/HB	IAD Same Name	Identification Denial	3119
9.	Bloch, Nathan 300598/HB	IAD Same Name	Identification Denial	3118
10.	Bloch, Nathan 300600/HB	IAD Same Name	Identification Denial	3127
11.	Cohen <i>et al.</i> 500692	IAD Same Name	No Match Letter	3146
12.	Cohn 217434/RT; 217582/RT	IAD Same Name	Identification Denial	3091/3094
13.	Edel 204118/RT	IAD Same Name	Identification Denial	2989
14.	Farkas 400199/RT	Identification Denial	Identification Denial	2837
15.	Fisch 210825	IAD Same Name	No Match Letter	3024
16.	Fischl 217035/RT	IAD Same Name	Identification Denial	3044
17.	Grinberg 222528/RT	IAD Same Name	Identification Denial	3017
18.	Heller 751017*	Award	Summary Denial	10306
19.	Kaufmann 500700/MBC*	Identification Denial	Identification Denial	2917
20.	Landsman 211358	IAD Same Name	No Match Letter	3080
21.	Langer, Joseph 220545/RT	IAD Same Name	Identification Denial	3078
22.	Langer, Olga 220546/HB	IAD Same Name	Identification Denial	3079
23.	Langfelder 501522/RT*	Identification Denial	Identification Denial	3020
24.	Liepmann, Else 300597/HB	IAD Same Name	Identification Denial	3121
25.	Liepmann, Ludvig 300596/HB	IAD Same Name	Identification Denial	3120
26.	Lippmann, Elise 300593/HB	IAD Same Name	Identification Denial	3126
27.	Lippmann, Richard 300588/RT	IAD Same Name	Identification Denial	3114
28.	Mayer 703128/RT*	Identification Denial	Identification Denial	2960
29.	Piattelli, 300543	IAD Same Name	No Match Letter	3059
30.	Pick 401203/RT	Identification Denial	Identification Denial	2956
31.	Schaefer, Alice 300594/GO	IAD Same Name	Identification Denial	3122
32.	Schaefer, Edith 300592/NB	IAD Same Name	Identification Denial	3123
33.	Schaefer, Richard 300595/HB	IAD Same Name	Identification Denial	3115
34.	Schaefer, Werner 300590/NB	IAD Same Name	Identification Denial	3116
35.	Schubert, Anna 213565/RT	IAD Same Name	Identification Denial	2987
36.	Schubert, Ernst 222013/DE	IAD Same Name	Identification Denial	3023
37.	Silbermann 501524/NB	IAD Same Name	Identification Denial	2978

CLAIMS RESOLUTION TRIBUNAL

38.	Skowronek 751803**	IAD Non-Victim	No Match Letter	10223
39.	Solomon 222335	IAD Same Name	No Match Letter	3001
40.	Spiegel <i>et al.</i> 773059	IAD Same Name	No Match Letter	3067
41.	Steiner 004438/RT*	Identification Denial	Identification Denial	2829
42.	Strauss <i>et al.</i> 206215/RT; 775413/RT	IAD Same Name	Identification Denial	3113
43.	Szűcs 223240/RT	IAD Same Name	Identification Denial	3060
44.	Tommasini 206566/RT; 214750/RT	IAD Same Name	Identification Denial	3130
45.	Ullmann 402218/RT	IAD Same Name	Identification Denial	3011
46.	Weiss 224445/RT***	Identification Denial	Identification Denial	1361

* Decision on Appeal

** Decision on Remand from Special Master Michael Bradfield

*** Decision on Remand from Special Master Helen B. Junz

CLAIMS RESOLUTION TRIBUNAL

[BATCH CXCVI] - ANNEX E

Pursuant to Article 18 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 28 May 2010 the following Inadmissibility Decisions for approval by the Court:

	Claimed Account Owner Name and Claim Number	Inadmissibility Type
1.	Adler <i>et al.</i> 789433	Same Name
2.	Maas <i>et al.</i> 219952	Same Name
3.	Seeman 213662	Same Name
4.	Tisserand 401499	Non-Victim